(P.) 4

IN THE HIGH COURT OF JUDICATURE AT BILASPUR, CHHATTISGARH

WP No. 2436 OF 2001

PETITIONER

Gaurav Agnihotri,
Aged about 22 years,
S/o Late Shri K.D.Agnihotri
R/o E-18, Sector II
Devendra Nagar
RAIPUR
CHHATTISGARH

V E R S U S

RESPONDENTS

1. The State of Chhattisgarh
Through Principal Secretary
Housing and Environment
DK Bhawan, Mantralaya
RAIPUR
CHHATTISGARH

2438/01 Devendra Verma Advocate Ref. Courts 20-7-04

2. Chief Executive Officer
Raipur Development Authority
RAIPUR CHHATTISGARH

...ION UNDER ARTICLE 226/227 OF THE ...STITUTION OF INDIA

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IN THE HIGH COUR

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RESPONDENTS

3 Nagar Nigam Raipur
Through: Commissioner
Municipal Corporation
Raipur.(C.G.)

P.N. No. 2438/01
Presented by Shri Nagendra Kesarwani
20/11/04
Amended after Court's order dated 20.7.04
Vide 26.7.04

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP 3436/01 सन् 200

विरुद्ध

देश का क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

15-12-2005

Shri Prateek Sharma, counsel for the petitioners.

Shri V.V.S. Moorthy, Dy. Advocate General, with Shri Sandeep Dubey, Govt. Advocate, for the State of Chhattisgarh/respondent no.1:

Shri Ashish Shrivastava, Advocate, for respondents no.2 & 3.

Heard.

By this petition under Article 226/227 of the Constitution of India, the prayer sought for is the compassionate appointment consequent upon the death of the father of the petitioner on 24/11/1999.

It is contended that before reorganization, State of Madhya Pradesh had formulated the guidelines for compassionate appointment. The further contention is that those guidelines remain in force in the State of Chhattisgarh after reorganization. It is also contended that the State of Chhattisgarh however issued certain instructions after the reorganization not to make appointments as the policy was under consideration for year or so. The matter remained stand and ultimately on 10-6-2003 the policy has been framed by the State of Chhattisgarh. According to the policy, those who died after formation of the State of Chhattisgarh i.e. 1-11-2000 their cases will be considered in accordance with the policy.

The matter was adjourned on the earlier dates so as to enable the State counsel to seek instructions.

Learned Dy. Advocate General submits that the State of Chhattisgarh now decided to consider all those cases prior to three years before of reorganization of the State i.e. who died on 1-11-1997 onwards and as such the present matter is covered within the zone of consideration.

Shri Moorthy, learned Dy. Advocate Generals submits that the cases in which death of the employee occurred 1-11-1997 onwards would

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

WP 2436/01

मामला क्रमांक ..... सन् 200

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आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

be scrutinized and examined in accordance with the policy as per the policy prevalent at that time. Learned counsel for the State submits that the petitioner should also render equal co-operation in submission of forms, documents and the other formalities which are required for the purpose.

Learned counsel appearing for the petitioner submits that the petitioner will co-operate and appear before the authorities as and when directed.

In view of the submissions made by learned counsel appearing for the parties, without expressing any opinion on the merits of the case, in the opinion of this Court, ends of justice will be served if a direction is given to the authorities to decide the case of the petitioner in accordance with the policy and necessary orders be passed on or before 30th April, 2006. The petitioner is also directed to render due co-operation to the authorities. It is made clear that if any grievance still remains, the petitioner may avail the remedy available under the law including filing of the petition.

Subject to the aforesaid observations and directions, this petition stands disposed of with the aforesaid liberty.

Certified copy as per rules.

Sd/-
Fakhruddin
Judge

H/-

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